

JUDGE SWEET

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - : INDICTMENT

ABDUL RAHMAN ABDULLAH ASHUBI, : 07 Cr.

Defendant. :

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COUNT ONE

(Conspiracy)

07 CRM 1008

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: OCT 31 2007

The Grand Jury charges:

1. From at least in or about January 2006, up to and including in or about July 2007, in the Southern District of New York and elsewhere, ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Title 7, United States Code, Section 2024(b)(1).

2. It was a part and an object of the conspiracy that ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, and others known and unknown, unlawfully, willfully and knowingly, would and did use, transfer, acquire, alter, and possess coupons, authorization cards, and access devices of a value of \$5,000 and more in a manner contrary to this chapter and the regulations issued pursuant to this chapter, in violation of Title 7, United States Code, Section 2024(b)(1).

OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, committed the following overt act, among others, in the Southern District of New York and elsewhere:

a. On or about May 3, 2007, ASHUBI, while working at Bashar Deli Grocery, 1126 Westchester Avenue, Bronx, New York 10459 ("Bashar Deli"), provided a Confidential Informant with \$54.00 cash in exchange for \$2.00 in food, while falsely recording that the transaction was for \$81.00 in food stamp benefits.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Food Stamp Fraud)

The Grand Jury further charges:

4. From at least on or about January 2006, up to and including in or about July 2007, in the Southern District of New York and elsewhere, ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, unlawfully, willfully and knowingly did use, transfer, acquire, alter, and possess coupons, authorization cards, and access devices of a value of \$5,000 and more in any manner contrary to this chapter and the regulations issued pursuant to this chapter,

to wit, ASHUBI exchanged customers' food stamp benefits for cash at Bashar Deli, in exchange for a share of the cash proceeds.

(Title 7, United States Code, Section 2024(b)(1); Title 7, United States Code Section 2016; Title 7, Code of Federal Regulations, Section 278.2, and Title 18, United States Code, Section 2)

COUNT THREE

(Conversion of Public Money, Property, or Records)

The Grand Jury further charges:

5. From at least in or about January 2006, up to and including in or about July 2007, in the Southern District of New York and elsewhere, ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, unlawfully, willfully and knowingly did embezzle, steal, purloin, and convert to his use and the use of another, and without authority, did sell, convey, and dispose of a record, voucher, money, and thing of value of the United States and of a department and agency thereof, to wit, the United States Department of Agriculture, namely, ASHUBI exchanged customers' food stamp benefits, the value of which exceeded \$1,000, at Bashar Deli, in exchange for a share of the cash proceeds.

(Title 18, United States Code, Sections 641 & 2.)

FORFEITURE ALLEGATIONS

6. As a result of committing the conspiracy offense alleged in Count One of this Indictment, in violation of 18 U.S.C. § 371, and the food stamp offense alleged in Count Two of this Indictment, in violation of 7 U.S.C. § 2024(b)(1), ABDUL

RAHMAN ABDULLAH ASHUBI, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, and all property traceable to such property, and pursuant to 7 U.S.C. § 2024(h), all property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of the food stamp fraud violation, and all proceeds traceable to such violation.

7. As a result of committing the public conversion offense alleged in Count Three of this Indictment, in violation of 18 U.S.C. § 641, ABDUL RAHMAN ABDULLAH ASHUBI, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, and all property traceable to such property.

SUBSTITUTE ASSETS PROVISION

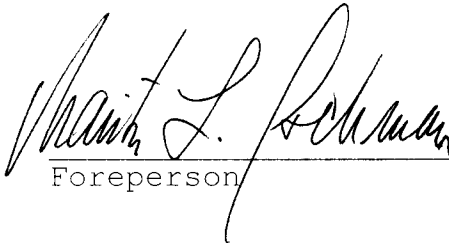
8. If any of the above-described forfeitable property, as a result of any act or omission of the ABDUL RAHMAN ABDULLAH ASHUBI, the defendant:

- (a) cannot be located upon the exercise of due diligence;

- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 641 & 981; Title 21, United States Code, Section 853(p); Title 7, United States Code, Section 2024; and Title 28, United States Code, Section 2461.)

  
Foreperson

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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ABDUL RAHMAN ABDULLAH ASHUBI

Defendant.

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INDICTMENT

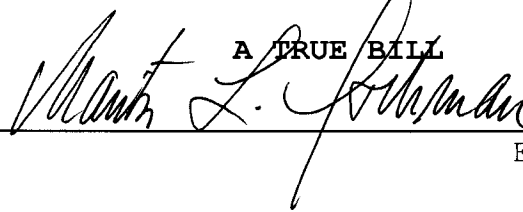
07 Cr. \_\_\_\_\_

(18 U.S.C. §§ 371; 7 U.S.C. §§ 2024(b)(1)  
& 2016, 7 C.F.R § 278.2, 18 U.S.C. § 2;  
18 U.S.C. §§ 641, 2)

MICHAEL J. GARCIA

United States Attorney.

A TRUE BILL



Foreperson.

Oct. 31, -07

10-31-07 D.I.C.: Post 11/1/87 indictment Filed.  
Assigned to Judge Sweet.

Peck, M.J.